

**ORIGINAL**

Decision No. 72930

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of ROCKO TRANSPORTATION, INC., a  
corporation, for authority to  
depart from the rates, rules and  
regulations of Minimum Rate Tariff  
No. 2, under the provisions of the  
Highway Carriers' Act.

Application No. 49555  
(Filed July 21, 1967)

INTERIM OPINION AND ORDER

Rocko Transportation, Inc., a corporation, holds radial highway common carrier and city carrier permits. By this application, it seeks authority to transport quarried rock and stone on flatbed trailers for Silberberger Constructors, Inc., from Twin Oaks Quarry in San Diego County to a job site at Dana Point Harbor in Orange County at a rate of \$2.28 per ton, which is less than, and differs from, the established minimum rates set forth in Minimum Rate Tariff No. 2. Pending public hearing and final determination of this matter, applicant requests that the sought authority be granted on an interim basis.

Applicant states that the shipper's contract with the United States Government calls for a movement of quarry rock exceeding 250,000 tons, that it has been requested to haul approximately 2,000 tons per day of such rock and that the individual pieces of rock range in weight from 50 to 24,000 pounds.

Applicant asserts that it is necessary to use flatbed equipment for hauling the larger-sized quarried rock in order to prevent damage and destruction to dump truck equipment in loading and unloading and to maintain the required safety standards in

hauling this commodity on the public highways. Applicant declares that, due to the nature of the commodity and the necessary loading and unloading procedures required in handling such commodity, the cost of hauling the large-sized quarried stone on flatbed trailers is less than the cost of carrying such stone in dump truck equipment.

Applicant avers that the actual distance traversed in such haul from the scales situated at the quarry site to the turntable situated on the Dana Point breakwater construction project is 51 miles and that the minimum rate set forth in Item No. 130 of Minimum Rate Tariff No. 7 for the transportation of this commodity in dump truck equipment for such distance is \$2.28 per ton. Data submitted by applicant indicates that applicant can perform the service at a cost of \$1.79 per ton and that the transportation involved may reasonably be expected to be profitable for the interim period pending hearing in this proceeding.

The certificate of service shows that copies of the application were served on California Trucking Association, California Dump Truck Owners Association, Southern California Rock Products Association and Associated Independent Owner-Operators, Inc., on July 19, 1967. The application was listed on the Commission's Daily Calendar of July 24, 1967. No objection to the granting of the application on an interim basis has been received.

Whether or not applicant requires operating authority other than a radial highway common carrier permit to perform this service is not clear from the record. However, subject to further review upon consideration of additional evidence which may be adduced at a public hearing to be scheduled in this proceeding, it appears, and the Commission finds, that the proposed rate is reasonable. In view of applicant's urgent request for relief herein, the Commission concludes that applicant should be granted interim authority to the extent hereinafter indicated for a period of six months, unless

sooner canceled, changed or extended by order of the Commission, subject to future hearing to be scheduled in this proceeding.

IT IS ORDERED that:

1. Rocko Transportation, Inc., a corporation, is hereby authorized to transport shipments of quarried rock and stone on flatbed trailers for Silberberger Constructors, Inc., from Twin Oaks Quarry, in San Diego County to a job site at Dana Point Harbor in Orange County at a rate less than, and different from the established minimum rate but not less than \$2.28 per ton, subject to a minimum tonnage per shipment of 22 tons.

2. The interim authority herein granted shall expire six months after the effective date of this order, unless sooner canceled, modified or extended by order of the Commission.

3. A public hearing shall be scheduled in this proceeding for the receipt of evidence on this application and final disposition thereof. Also to be considered at the hearing is the type of operating authority required for this service.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 15<sup>th</sup> day of August, 1967.

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President  
*William K. Bennett*  
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*Augustin*  
\_\_\_\_\_  
*William Synovis, Jr.*  
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*James P. Morrison*  
Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.